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| 16 | Attorneys for Plaintiff Cisco Systems, Inc. | | | | |
| 17 | IINITED STATES | DISTRICT COURT | | | |
| 18 | UNITED STATES DISTRICT COURT | | | | |
| 19 | NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION | | | | |
| 20 | CISCO SYSTEMS, INC., | CASE NO. 5:14-cv-5344-BLF | | | |
| 21 | Plaintiff, | ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL | | | |
| 22 | vs. | INFORMATION IN CISCO'S TRIAL | | | |
| 23 | ARISTA NETWORKS, INC., | BRIEF RE: ANALYTIC DISSECTION AND FILTRATION | | | |
| 24 | Defendant. | Judge: Hon. Beth Labson Freeman | | | |
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ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL INFORMATION IN CISCO'S TRIAL BRIEF RE: ANALYTIC DISSECTION AND FILTRATION Case No. 5:14-cv-05344-BLF

02099-00004/8543768.1

Trial Brief re: Analytic Dissection and Filtration.

I. LEGAL STANDARD

02099-00004/8543768.1

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a "particularized showing" under the "good cause" standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing "establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law" (*i.e.*, that the document is "sealable"). Civil L.R. 79-5(b). The sealing request must also "be narrowly tailored to seek sealing only of sealable material." *Id.*

Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. ("Cisco") hereby brings

this administrative motion for an order to seal certain information filed in connection with Cisco's

II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File Under Seal ("Jenkins Declaration"). Cisco has narrowly tailored its request to seal only confidential information related to its customers, sales, accounts, competitive strategies, pricing, and other related planning and strategies as detailed in the Jenkins Declaration. Cisco also files this motion to seal to provide Arista Networks, Inc. the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) regarding the confidentiality of some exhibits, as detailed below.

II. DOCUMENTS SOUGHT TO BE SEALED

The documents, and portions of documents, that Cisco seeks to seal through this motion are included in the chart below:

| 1 | Document | Portions to Be Filed Under Seal | Party With Claim of Confidentiality |
|----|---|---|--|
| 2 | Cisco's Trial Brief Re: Analytic Dissection | Highlighted Portions | Arista |
| 4 | Exhibit A to the Declaration of Kevin C. Almeroth in Support of Cisco's Trial Brief Re: Analytic Dissection | Highlighted Portions | Cisco |
| 5 | | This document was previously filed and the | Arista |
| 6 | | Court has already granted the sealing of the highlighted | |
| 7 | | portions of this document. Dkt. 487 at 5-10. | |
| 8 | Exhibit C to the Declaration of Kevin C. | Highlighted Portions | Arista |
| 9 | Almeroth in Support of Cisco's Trial Brief Re: | | |
| 10 | Analytic Dissection | | |
| 11 | Exhibit F to the Declaration of Kevin C. | Highlighted Portions | Arista |
| 12 | Almeroth in Support of Cisco's Trial Brief Re: | | |
| 13 | Analytic Dissection | | |
| 14 | Exhibit G to the Declaration of Kevin C. | Entire | Cisco |
| 15 | Almeroth in Support of Cisco's Trial Brief Re: | | Arista |
| 16 | Analytic Dissection | | |
| 17 | Ewhihit II to the | Highlighted Doutions | Ciono |
| 18 | Exhibit H to the Declaration of Kevin C. | Highlighted Portions This document was | Cisco Arista |
| 19 | Almeroth in Support of Cisco's Trial Brief Re: Analytic Dissection | previously filed and the Court has already granted the | |
| 20 | Analytic Dissection | sealing of the highlighted portions of this document. | |
| 21 | | Dkt. 487 at 10-13. | |
| 22 | Exhibit 1 to the Declaration of Drew | Highlighted Portions This document was | Cisco |
| 23 | Holmes in Support of Cisco's Trial Brief Re: | previously filed and the | |
| 24 | Analytic Dissection | Court has already granted the sealing of the highlighted | |
| 25 | | portions of this document. Dkt. 487 at 14-15. | |
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ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL INFORMATION IN CISCO'S TRIAL BRIEF RE: ANALYTIC DISSECTION AND FILTRATION

| Document | Portions to Be Filed Under Seal | Party With Claim of Confidentiality |
|--|------------------------------------|-------------------------------------|
| Exhibit 2 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection | Highlighted Portions | Cisco |
| Exhibit 4 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection | Entire | Arista |
| Exhibit 11 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection | Entire | Arista |
| Exhibit 13 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection | Entire | Cisco |
| Exhibit 16 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection | Entire | Arista |
| Exhibit 17 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection | Entire | Arista |
| | | 1 |

23 November 8, 2016

Respectfully submitted,

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/s/ John M. Neukom
John M. Neukom

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Kathleen Sullivan (SBN 242261) kathleensullivan@quinnemanuel.com

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02099-00004/8543768.1

ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL INFORMATION IN CISCO'S TRIAL BRIEF RE: ANALYTIC DISSECTION AND FILTRATION

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| 27 | 02099-00004/8543768.1 | 4 |
| 28 | 02077-00004/8343/08.1 | ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL INFORMATION IN CISCO'S TRIAL BRIEF RE: ANALYTIC DISSECTION AND FILTRATION |

Case No. 5:14-cv-05344-BLF